

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 57517

Stewart Wollman

112 Dorgate Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 8, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, 101, 102.1 ZCPM, failure to cease garage activities in a residential zone, failure to remove or tag untagged motor vehicle on residential property known as 112 Dorgate Road, 21117.

On June 17, 2009, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Stewart Wollman, Respondent represented by Jeffrey P. Nesson, Esquire, Eddie Spindler and Derek Spindler, Complainants, and David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 26, 2009 for removal of untagged vehicle in driveway and to cease operation of a service garage/auto repair business at this residential property. This Citation was issued on June 17, 2009.

B. Inspector Dave Kirby testified that, following receipt of a complaint, he inspected the property and found many signs of a car repair business being operated. A large garage tent with an exhaust hole and ramps; a replacement hood box in the driveway; and a portable engine lift were observed. An untagged blue Honda Civic was in the driveway. An automobile trailer was parked on the street.

C. Inspections on April 2009 found various Honda vehicles without tags: April 22, 2009 (black Honda Civic); April 23, 2009 (same black Civic, a red Honda Civic, and a third car on the road without license stickers). Inspector Kirby further testified that on April 27, 2009, Complainant Ed Spindler gave him a copy of an invoice and receipt from "TNT Motors" for removal and installation of a motor and other auto services, with the address "112 Dorgate Road" at the bottom and signed by Jeremy Wollman.

D. Inspector Kirby testified that re-inspections in May 2009 and early June 2009 found no sign of business activity or untagged cars. However, re-inspection on June 15, 2009, June 17, 2009, and June 24, 2009 found untagged Honda vehicles on the property. Inspection on July 6, 2009 found an engine covered up in the driveway but no untagged vehicles.

E. Complainant Ed Spindler testified that his son, Derek Spindler, advertised on Craig's List to sell a motor and was contacted by Jeremy Wollman offering to do an engine swap. He testified that his son dropped off a car at this location and that the engine, transmission and drive axle were removed at this location. He further testified that even though his son paid for installation of replacements, the work was not done.

F. Mr. Jeffrey Nesson, Esq., appeared representing property owner Stuart Wollman, who also appeared for this Hearing. Jeremy Wollman is the son of the property owner and is a Honda enthusiast. Mr. Stuart Wollman thought his son was pursuing a hobby and did not authorize him to run a business. All the equipment will be removed and the auto repair activities will not be continued.

G. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). County regulations also prohibit the operation of a business from a residential location. The evidence clearly shows that these regulations have been violated by the operation of a service garage and by the parking of untagged and inoperative motor vehicles. However, because compliance is the goal of code enforcement, and because Respondent does not have a history of prior violations and has corrected the violations prior to this Hearing, the civil penalty will be rescinded if reinspection finds the property in compliance.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the property in compliance and all violations corrected. If the Respondent fails to correct the violations, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf